

REMARKS

Claims 1 through 68 continue to be in the case.

New Claims 69, 70 and 71 are being introduced.

New Claim 69 is based on claim 5.

New Claim 70 is based on claim 15.

New Claim 71 is based on the language of claims 1 and 2 and on the specification, pages 4 and 5, and claim 15.

The Notice of Non-Compliant Amendment mailed on July 28, 2005 states that the amendment document filed on May 5, 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121., namely a complete listing of all of the claims is not present.

Applicant complies with the above-stated requirements and submits a revised Amendment dated August 29, 2005 with the complete list of all claims.

The Office Action refers to Claim Rejections - 35 USC § 103

As to Claim 1 the Office Action asserts:

Gauselmann teaches a method for operating a coin actuated entertainment automat (2a) comprising placing a coin into a coin acceptance device (12) of an entertainment automat; testing the coin in a coin testing device (Col 6, 10); displaying symbols an a symbol display device (8), wherein a displayed symbol combination comprises several symbols (Fig 1 shows several symbols displayed an display device 8) and wherein upon reaching of a predetermined credit balance in a credit balance counter

disposed on the side of the control unit a symbol combination is displayed with the symbol display device (i.e., when a player deposits enough money, he can play the game - this is how slot machines operate). Gauselmann teaches controlling the course of the game with a control unit including a microcomputer (9) and a pseudorandom number generator (216). Gauselmann teaches renewing the Symbols within a predetermined time window until a winning carrying symbol combination is reached; and accumulating the obtained winning in the credit balance counter - i.e., Gauselmann teaches determining a winner and paying winnings like any other slot machine.

Gauselmann does not teach influencing the course of the game by on operational element disposed on the front side of the entertainment automat or substituting a symbol by another randomly determined symbol. This is simply a description of the notoriously well known game of draw poker. In draw poker, the player uses controls on the console to determine which cards to hold. This is influencing the course of the game by on operational element disposed on the front side of the entertainment automat. The gaming machine then dispenses new cards for those not held. This is substituting a symbol by another randomly determined symbol. Bridgeman teaches draw poker. (Abstract) Draw poker machines are among the most popular gaming machines in the industry. It would have been obvious to one of

ordinary skill in the art at the time of the invention to have modified Gauselmann in view of Bridgeman to influence the course of the game by on operational element disposed on the front side of the entertainment automat and substitute a symbol by another randomly determined symbol (i.e., implement a draw poker game) in order to take advantage of the well known popularity of draw poker.

Claim 1

i. According to the present application in the specification page 15, last paragraph reads: "In case of an actuation of the operational element (entry block 41 -- 42) it is checked, which one operational element 3 was actuated. For example five next to each other disposed card symbols are displayed with the symbol display device 2 upon actuation of an operational element 3 according to the entry block 41, wherein the symbol storage comprises 20 card symbols, namely ten, Jack, Queen, King, and ace in each case in all four colors. Not held cards are drawn by new cards randomly determined from the card storage in the operational block 43".

The reference Bridgeman et al. teaches another matter, see Bridgeman, United States patent 5,033,744 Col. 2, lines 4-18 "By

pressing the deal button, the player deals five cards face up (preferred embodiment) from the shuffled and cut card deck. Corresponding to each of the cards displayed on the video screen is a "ZAP" button. Each ZAP button lines up with the associated displayed card. The player zaps a card by pressing the associated ZAP button. This causes the immediate removal of the associated card. A randomly selected replacement card from the shuffled and cut card deck promptly takes the place of the zapped card. The player can take no other actions until the replacement card shows on the screen. With the display of the new card, the player can intelligently determine the next action to take. Game strategy can be employed by the player."

From this it follows that according to the present invention the winning symbol is hold out by pressing of the operational element. On the contrary the reference Bridgman, United States patent 5,033,744 requires immediate redrawing of the symbols.

ii. As mentioned above the reference Bridgeman, USP 5,033,744 requires "the player deals five cards face up (preferred embodiment) from the shuffled and cut card deck. Corresponding to each of the cards displayed on the video screen is a "ZAP" button. Each ZAP button lines up with the associated displayed card. ".

The reference Gauselmann, United States patent 6,089,980, Col 5, lines 44-54 teaches "The gambling machines 2a and 2c include a video screen 8 for the display of winning symbol combinations, where symbol combinations are illustrated in a 3.times.3 matrix on the video screen 8. At the same time, the momentary jackpot level is displayed on the respective video screen 8 of the gambling machines 2b and 2d. Three side-by-side disposed reel-shaped symbol-carrying rotary bodies are in each case displayed on a video screen 8 at the gambling machines 2b and 2d. The level of the jackpot is also displayed in a designated region of the video screen 8 of the gambling machines 2b and 2d."

Applicant believes that are no clear directions and instructions in the state of the art as how to combine the five push buttons of the reference

Bridgeman et al. with the three reels of the reference Gauselmann. Applicant believes that combination of five push button with three reels would result in a non-functioning of the reference Gauselmann, USP6,089,980. Therefore it is believed that the reference Bridgemann et al., United States patent 5,033,744 does not anticipate or render obvious claim 1 of the present application.

The Office Action refers to Claims 2, 8, 19:

Gauselmann teaches networking a second entertainment automat to the first entertainment automat (Fig 1) and simultaneously switching the played entertainment automats into a uniform game mode upon reaching of a predetermined symbol combination or upon reaching of a predetermined credit balance state of a common credit balance counter. (Col 2, 30-37) Gauselmann teaches determining in a game mode the entertainment automat, which has reached the highest winning value within a time window predetermined by the control unit and coordinating the winning value to that entertainment automat, which entertainment automat has reached the highest winning within the time limited game mode. This is the rank sequence determination described at Col 2, 39-43

Applicant respectfully traverses the rejections of **Claims 2, 8, 19:**

Claims 2, 8 and 19 of the present application require “determining in a game mode the entertainment automat, which has reached a highest winning value within a time window predetermined by the control unit; coordinating the highest winning value to that entertainment automat, which entertainment automat has reached the highest winning within the time limited game mode”.

The reference Gauselmann, United States patent 6,089,980 teaches that the players do a qualification game see Col 8, lines 44-49: “The players or the users of the gambling machines 2a-2d, which have reached the predetermined gambling result within the qualification time, can now participate in a final game, which is in this example a horse-racing game. The number of the horses participating in the race depends on the number of the participating gambling machine users”.

According to the reference Bridgeman et al., USP6,089,980 the players also have a winning quota, see Col 8, line 66 to Col 9, line 4 “Furthermore, the winning quotas or, respectively, the possible win amount of the jackpot are displayed to each player. If several players have

bet on the same game result or horse, then the winning quota is calculated anew corresponding to this number of players and is displayed on the video screen 8.”

Claims 2, 8, 19 of the present application require that the player has to obtain a predetermined result within a predetermined play period. Such operation is clearly not provided for by the reference Gauselmann (USP 6,089,980). This shows that the present invention as claimed is not anticipated in view of the reference Gauselmann, United States Patent 6,089,980.

The Office Action continues with regard to Claims 3, 11, 13, 15, 18:
Gauselmann teaches the invention substantially as claimed. Gauselmann teaches a timed game or series of games. (Col 2, 37-39) Gauselmann fails to teach the details of draw poker - drawing cards; determining of the cards are a winning hand, indicating which cards to hold; drawing new cards for discarded cards, etc. As noted above, these details are a conventional part of the draw poker game taught by Bridgeman.

The applicant respectfully traverses the rejections concerning

Claims 3, 11, 13, 15, 18 as follows:

According to the present application a time window game is predetermined in the base game and in the supplemental game. On pages 4 and 5 of specification of the present application it is written "The apparatus according to the present invention is associated with the advantage that one and all symbol combinations can be changed or improved within a predetermined time window by follow-up drawing until a predetermined winning combination has been reached. The winning amount is depending on the number of the reached winning combination, which can be reached one or more times within a predetermined time window. According to a further embodiment of the invention, the determination of the winning value is performed by a base game and a supplemental game. In case of a predetermined winning combination or a predetermined winning value is reached in the base game, then successively the supplemental game is activated. A predetermined starting combination has to be improved in one or several predetermined winning symbol combinations by an undetermined number of follow-up starting possibilities within a predetermined time window in

a supplemental game. The winning value reached in the supplemental game depends on the number of the obtained winning combination within the predetermined time window”.

A flow diagram is shown in Fig. 3 of the present application, which flow diagram shows how to control the time window game in the base game and the figure 4 presents a flow diagram which shows how to do this in the supplemental game.

In the reference Gauselmann, United States patent 6,089,980 the time game is restricted only in the qualification game which precedes the final game. See Col. 2, lines 53-60 “A game sequence can be started in the mainboard by the communication board comprising a qualification game. Participation in a final game can be limited if a winning combination, predetermined in the respective one of the plurality of coin-operating gambling machines, is reached within a predetermined time period in the qualification game. A game sequence can be started in the mainboard by the communication board comprising a final game”.

This shows that the present application discloses limiting the gambling time by way of time window in the base game and in the supplemental game. This feature of the present invention is not anticipated nor rendered obvious in view of the reference Gauselmann, United States patent 6,089,980.

The Office Action asserts relative to Claim 20:

Gauselmann and Bridgeman teach the first entertainment automat is furnished with a first additional operating element, wherein the first additional operating element is associated to each presented winning symbol and each presented winning symbol can be held in the following by action of the first operating element, and wherein the first entertainment automat includes a first separate processor and first software; wherein the second entertainment automat is furnished with a second additional operating element, wherein the second additional updating element is associated to each presented winning symbol and each presented winning symbol can be held in the following by action of the second operating element, and wherein the second entertainment automat includes a second separate processor and second software - i.e., each gaming machine is self-contained.

The applicant urges regarding Claim 20:

Claim 20 of the present application requires “first entertainment automat is furnished with a first additional operating element, wherein the first additional operating element is associated to each presented winning symbol and each presented winning symbol can be held in the following by action of the first operating element, and wherein the first entertainment automat includes a first separate processor and first software; ”

As mentioned above the reference Gauselmann United States patent 6,089,980 does not teach influencing the course of the game by an operational element disposed an the front side of the entertainment automat or substituting a symbol by another randomly determined symbol. The reference Bridgeman et al., United States patent 5,033,744 teaches draw poker where an operational element disposed an the front side of the entertainment automat substitute a symbol by another randomly determined symbol by way of ZAP button which causes the immediate removal of the associated card, compare the reference Bridgeman et al., Col. 2, lines 10-17.

The present application foresees the influences on the course of the game by a hold button, wherein the hold button assists to hold winning symbols. This is not the same as is taught in the reference Bridgeman et al.

Applicant respectfully submits that where two references agree not to do what applicant claims (but direct to go each his or her own and different way), then any combination of such references will be even less suggestive of the disclosure and claims of the applicant.

The Office Action rejects Claim 25 as follows:

Gauselmann teaches that the first symbol display device displays the temporary jackpot value and the second symbol display device displays the temporary jackpot value (i.e., all game machines display the temporary jackpot value on the display in the lower left corner of the top box as shown in Fig 1). The first and second control units perform on automatic recognition for determining which control unit assumes a master function and which control unit assumes a slave function. (Col 6, 63 - Col 7 20) A jackpot prerelease value is set and the Jackpot is frozen upon reaching of the Jackpot prerelease value. (Col 8, 6-20) A Jackpot payout game is started at the first control unit and at the second control unit. (Col 8, 30-40)

Applicant respectfully traverses the rejection of claim 25 as follows:

According to the present application, the specification on page 5 “Depending on the game results in the supplemental game, a part share of the jackpot value is determined. Each player who participated in the supplemental game receives a winning value corresponding to his or her game performance, whereby no discrimination of an individual is performed”.

The reference Gauselmann, United States patent 6,089,980 Col. 7, lines 58-66 reads as follows: “Furthermore, a second, covered, so-called hidden jackpot is furnished. This covered or second progressive jackpot, not visible to the player, accumulates in the background. The increase or, respectively, the growth of the second covered, hidden jackpot can be set by the operating management. The operating management determines the percentage which is branched off from the game bet for the hidden jackpot. If the first jackpot is only in part paid out, then the remaining amount of the first jackpot is used to fill the hidden jackpot...”

From this it is clear that according to the reference Gauselmann, United States patent 6,089,980 a jackpot value is not fully paid. It is present some the percentages which divides the winning value between the jackpot and hidden jackpot.

This clearly distinguishes the present invention from the reference Gauselmann (USP6,089,980).

It is believed that new claim 71 defines the present invention over the references Gauselmann and Brigdeman et al.

Reconsideration of all outstanding rejections is respectfully requested. All claims as presently submitted are deemed to be in form for allowance and on early notice of allowance is earnestly solicited.

Respectfully submitted,

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